

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BUTTE DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JENNIFER LYNN MARSHALL,

Defendant.

CR 18-04-BU-DLC-4

ORDER

United States Magistrate Judge Jeremiah C. Lynch entered Findings and Recommendation in this matter on August 2, 2018. Neither party objected and therefore they are not entitled to *de novo* review of the record. 28 U.S.C. § 636(b)(1); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003). This Court will review the Findings and Recommendation for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981). Clear error exists if the Court is left with a “definite and firm conviction that a mistake has been committed.” *United States v. Syrax*, 235 F.3d 422, 427 (9th Cir. 2000).

Judge Lynch recommended this Court accept Jennifer Lynn Marshall’s guilty plea after Marshall appeared before him pursuant to Federal Rule of Criminal Procedure 11, and entered a plea of guilty to one count of conspiring to

distribute, and to possess with the intent to distribute, methamphetamine in violation of 21 U.S.C. §§ 841(a)(1) and 846 as set forth in Count I of the Indictment, and one count of possession of a firearm in furtherance of a drug trafficking crime in violation of 18 U.S.C. § 924(c)(1)(A)(I) as set forth in Count V of the Indictment. Defendant also admits to the forfeiture allegation in the Indictment. In exchange for Defendant's pleas, the United States has agreed to dismiss Count IV of the Indictment.

I find no clear error in Judge Lynch's Findings and Recommendation (Doc. 86), and I adopt them in full, including the recommendation to defer acceptance of the Plea Agreement until sentencing when the Court will have reviewed the Plea Agreement and Presentence Investigation Report.

Accordingly, IT IS ORDERED that Jennifer Lynn Marshall's motion to change plea (Doc. 62) is GRANTED and Jennifer Lynn Marshall is adjudged guilty as charged in Counts I and V of the Indictment.

DATED this 20th day of August, 2018.



Dana L. Christensen, Chief District Judge
United States District Court